

**CRIMINAL DOCKET
UNITED STATES DISTRICT COURT**

(Ks)

D. C. Form No. 100A Rev.

TITLE OF CASE		ATTORNEYS
THE UNITED STATES		For U.S.:
vs.		Hubert H. Bryant Asst. U.S. Attorney
1. William Lester JOHNSON,		Phil Frazier, Appt. -Shoemake
2. Joe Byron SHOEMAKE, and		1424 Terrace Dr.
3. Gary Wayne WOFFORD, (27)		Tulsa, Ok 74104 939-2445
Defendants.		For Defendant:
Ronald H. Mook (appt)		Jim Heslet (Appt.) (Johnson)
1634 S. Boulder (Wofford)		4th Nat'l Bldg.
Tulsa, Ok 74119		Tulsa, Ok 587-1544
583-5000		Randolph
1094		Kenneth Stainer (Appt) (Shoe-
Johnson:		812 Mayo Bldg. make)
5906 S. Santa Fe		Tulsa, Ok 584-6404
Tulsa, Ok 74107		

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 2 mailed 12-1-74	Clerk		(for Wofford on 5/14/91 motion)		
J.S. 3 mailed JOHNSON 3-1-75	Marshal		Oliver W. Arbogast, Jr. #10719		
WOFFORD 3-1-75	Suppl. 8-18-77		417 W 7th St Suite 204		
SHOEMAKE 3-1-77	Docket fee		Tulsa Ok 74119 (918-584-3472)		
Violation theft in re inter-					
state shipment					
Title 18	Geary Wayne Wofford				
	#02743-062				
Sec. 659	Box 1500 FCI				
	El Reno, OK 73036				
(2 cts, \$5000 &/or 10 yrs)					

DATE	PROCEEDINGS
11-26-74	Record of Grand Jurors Concurring, filed in Open Court. v
11-26-74	Indictment, filed in Open Court. v
11-27-74	Warrant issued as to Deft. Wofford. v
12-3-74	Petition for W/Habeas corpus ad prosequendum for Gary Wayne Wofford, filed. g.
12-3-74	Appearance Bond - Deft. JOHNSON, \$10,000 (surety) with Order Specifying methods & conditions of release, filed. b
12-4-74	Case set for arraignment & plea on Deft's JOHNSON, SHOEMAKE & WOFFORD on 12-10-74, at 10:00 A.M. (AEB-J) b nt mld.
12-4-74	Order granting W/HC ad prosequendum, filed. (AEB-J)g
12-6-74	Petition for W/Habeas Corpus Ad Prosequendum for Joe Byron Shoemake, filed. lm
12-6-74	ORDER granting Writ of Habeas Corpus Ad Prosequendum for Joe Byron Shoemake, filed. Writ issued. lm
12-6-74	Petition for W/Habeas Corpus Ad Prosequendum for William Lester Johnson filed. lm
12-6-74	ORDER granting Writ of Habeas Corpus Ad Prosequendum for William Lester Johnson, filed. Writ issued. lm

DATE	PROCEEDINGS
12-9-74	Information Sheet in re Deft. WOFFORD, Appt. of Counsel form, & financial aff. of Deft. WOFFORD, filed. v
12-10-74	Case called for arraignment & plea as to Defts' Johnson, Shoemake & Wofford. Stricken as to Shoemake. Defts' Johnson & Wofford present and represented. Govt. represented. Defts' Johnson & Wofford acknowledges receipt of indictment and are advised of charge. Defts' arraigned and enter pleas of NOT GUILTY. Case to be set for next jury docket as to Defts' Johnson & Wofford. Deft. Wofford remanded to USM. Bill Pate represents bondsman on Johnson; allowed to withdraw as bondsman. Bond exonerated. Bond fixed in amount of \$20,000 on Johnson.(AEB-J)b
12-13-74	Return on writ of habeas corpus ad prosequendum, filed. Returned un-executed as to Joe B. Shoemake, as he escaped from Okla. St. Penn. on 12-9-74. hm
12-13-74	Return on writ of h/c ad prosequendum, filed. Took custody of William Lester Johnson at Fed. Bldg., Tulsa, & del. him to Creek Co. Jail, Sapulpa, Okla. on 12-10-74. hm
12-13-74	Return on writ of h/c ad prosequendum, filed. Took cust. of Gary Wayne Wofford at Tulsa County Jail & delivered him to Okla. St. Penn. on 12-10-74. hm
1-8-75	Case set for jury trial as to defts. Johnson & Wofford 1-27-75 at 9:30 a.m. (AEB-J)hm
1-21-75	Pet. for writ of H/C ad prosequendum as to deft. Johnson, filed.k
1-21-75	Order, filed, granting writ of H/C as to deft. Johnson. (AEB-J)k
1-21-75	Writ of H/C ad prosequendum as to deft. Johnson issued.k
1-21-75	Pet. for writ of H/C ad prosequendum as to deft. Wofford, filed.k
1-21-75	Order, filed, granting writ of H/C as to deft. Wofford. (AEB-J)k
1-21-75	Pet. for writ of H/C ad prosequendum as to deft. Wofford issued.k
1-27-75	Case called for Jury trial as to Deft. Johnson, before Judge Cook. Deft. Johnson announces he will not change plea as previously announced and wants to proceed to trial. Deft. Johnson appeared before Judge Barrow and Court grants severance and case is passed to the next jury trial docket.(HDC&AEB)b
1-27-75	Case tried to a jury 1-27-75 & 1-28-75, as to Deft. Wofford. Deft. Wofford present and represented. Govt. represented. Jury selected & sworn. Pltf. makes open statement. Deft. defers same until close of Pltf's case. Pltf presents case. Witnesses sworn & testify. Deft. objects to witness Bearden's testimony. Court overrules. Pltf's exhibits 1 & 2 admitted. Pltf. rests. (Out of hearing of jury) Deft. makes motion for acquittal & dismissal of case. Court denies motion. Deft. rests. Jury excused until 10:00 a.m., 1-28-75.
1-28-75	All parties present & trial continues. Parties rest. Closing arguments made. Instructions given. Bailiff sworn & jury retires to deliberate at 11:15 A.M. 2:00 P.M., jury makes request to hear testimony of Mrs. Ledford. Jury returns to Ct. room & court reporter reads testimony. Jury retires for further deliberations. 3:15 P.M., Jury returns with verdict finding Deft. Guilty to Count 2 of indictment & jury finds value of property stolen in Ct. 1 & 2 exceeds \$100.00. Jury was unable to agree on Ct. 1. Verdict ordered received, read & filed in open court. Court calls mistrial in Ct. 1 & advises Govt. to notify Court if they are going to dismiss or try Ct. 1 again. Jury discharged. Deft. advised of right to appeal. Deft. remanded to custody of USM. Court orders pre-sentence report & sentencing set for 2-11-75 at 10:00 A.M. (AEB)b

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DATE	PROCEEDINGS
1-28-75	Verdict, filed, finding Deft. Guilty in Ct. 2 & jury finds value of stolen property exceeds \$100.00.(AEB-J)b
1-28-75	Trial exhibits 1 & 2 filed. (in exhibit room) b
1-28-75	Two notes from jury filed in open court. b
1-30-75	MO: Ordered by the Court that case be set for change of plea as to Deft. Johnson, on 2-3-75, at 10:00 A.M.(AEB-J)b
2-3-75	Case called for change of plea. Deft. present & represented. Govt. represented. Deft. withdraws his plea of not guilty and enters plea of Guilty, and is adjudged GUILTY as charged. Deft. waives jury and waiver is signed and filed in open court. Deft. & counsel asked if they have anything to say before sentence is pronounced. Judgment & Sentence - WILLIAM LESTER JOHNSON Ct. 1 - Atty. Gen. Three(3) years, and further ordered that Defendant may become eligible for parole at such time as the board of parole may determine as provided in 18, U.S.C. 4208(a)(2). Ct. 2 - The imposition of sentence is suspended & Deft. is placed on probation for a period of Two (2) yrs., to begin at the expiration of sentence imposed in Count 1. Court recommends commitment to the Fed. Correctional Instit., Texarkana, Tx., with minimum security & deft. is to learn trade.(AEB-J)b
2-3-75	Judgment & Commitment filed and entered.(AEB-J)b
2-3-75	Two c/c of J&C delivered to USM. b
2-10-75	Return on Writ of H/C ad prosequendum, filed. Finally executed by delivering Deft. Johnson to Sheriff of Creek Co., Sapulpa, Okla. on 2-3-75. b
2-11-75	Case called for sentence as to Deft. Wofford. Deft. Wofford present and represented. Govt. represented. Deft. & counsel asked if they have anything to say before sentence is pronounced. Judgment & Sentence - Gary Wayne Wofford Ct. 2 - Atty. Gen. - Six (6) years, and further ordered that Deft. may become eligible for parole at such time as the board of parole may determine as provided in T. 18 USC Sec. 4208(a)(2). Deft. is advised of right to appeal.(AEB-J)b
2-11-75	Judgment & Commitment, filed and entered.(AEB-J)b
2-11-75	Two c/c of J&C delivered to USM. b
2-11-75	Notice of appeal, re WOFFORD, from J&C of 2/11/75, filed. rm (copies to counsel and USCA)
2-13-75	Order for Dismissal filed/ & entered as to Count I of the Indictment against Gary Wayne Wofford.(AEB-J)jj
2-19-75	Req. of def. Wofford for transcript of proceedings in f.p., filed. rm
2-19-75	Statement of issues on appeal of def. Wofford, filed. rm
2-20-75	Designation of record on appeal, filed. rm
2-20-75	Marshal's return on service of warrant of arrest, re Wofford, filed. Returned unexecuted on 2/13/75 as J&C entered 2/11/75. rm
2-28-75	/ Writ of Habeas Corpus Ad Prosequendum, filed. lm
3-19-75	Transcript of trial proceedings (orig. + 2 cpies), filed. g
3-19-75	Transcript of sentencing, filed. (orig. + 2 cpies). g
3-20-75	Appeal record, original + 3 cpies (3 volumes), sent to USCA. g (Wofford)
5-19-75	J&C, ret. & filed: deft. Wm. Lester Johnson delivered to Fed. Ref., El Reno, Ok. on 5-12-75 for further removal to FCI, Texarkana. g

DATE	PROCEEDINGS
12-19-75	Mandate and Opinion of USCA, affirming judgment re WOFFORD of this Ct. with Judge Hill Dissenting, filed and spread of record. rm
12-19	Letter written to Wofford's counsel, advising of Mandate, and further that Wofford is incarcerated at McAlester, w/copy to U. S. Marshal for info. & further handling.rm
12-22	Appeal record (3 vols) received from 10th Circuit Court of Appeals. rm
2-17-76	Certified copy of Order of USCA, recalling Mandate of 12/19/75, vacating judg. of 11/25/75; filing mo/rehearing effective 11/26/75 and denying same; re-entering judg. of 11/25/75; appt. Ron Mook as atty. for appellant to seek review by way of cert. in Supreme Ct. and issuing new mandate forthwith, filed and spread of record.
2-17	Mandate and Opinion of USCA, affirming judgment re WOFFORD, with Judge Hill Dissenting, filed and spread of record. rm (previous Mandate and Opinion of 12/19/75 transmitted to USCA per their instructions)
6-23	Copy of letter from 10th Circuit advising that Petition for Writ of Cert. was denied by Supreme Court on 6/14/76, filed. rm
8-25-76	Order overruling mot. of Geary Wayne Wofford for modification of sentence, filed. (AEB-J)g cps mld.
10-29-76	Warrant for arrest of Joe Byron Shoemake issued. rm
12-16	USM advised us Deft. is in Tulsa Co. Jail this date. v
12-20	MO: Case set for arraignment & plea on 12-21-76, at 10:00 A.M.(AEB-J)b nts by phone ✓ 2 12 21 76 11
12-21	Case called for arraignment & plea as to Deft. Shoemake. Deft. present & rep by Randolph Stainer. Govt. rep. Deft. acknow. receipt of indict., is advised of charge & enters plea of NOT GUILTY To Cts. 1 & 2. Case set for jury trial on 1-17-77, at 9:30 A.M. Deft. given 10 days to file motions; Govt. 5 days to respond. Ct. increases bond to \$20,000 C/S. Deft. remanded to USM.(AEB-J)b
12-22	MO: Case set for jury trial on 1-17-77, at 9:30 A.M.(AEB-J)b nts by cert ml w/affid.
12-28	Return on Warrant of Arrest of Deft. Shoemake, fld. Rec. & executed 11-18-76 in E.D. of CA. v
12-28	Return on Warrant of Removal on Indictment, fld. Rec'd and executed on 12-4-76 in E.D. of CA by delivering Deft. Shoemake to Tulsa, OK, N.D. of OK. v
<u>1977</u>	
1-11	Pltff's application to withdraw government's trial exhibits, filed.s 0 to J
1-12	Case called for appointment of new Deft. counsel. Deft. present. R. Stainer present. Govt. rep. by Baker for Bryant. Deft. co. presents application to w/draw as counsel. Ct. allows withdrawal. Stainer to prepare order. Ct. appoints Phil Frazier as deft. co.(AEB-J)b
1-14	Pet. for W/HC ad Testificandum as to Wm. L. Johnson, filed. g w/Johnson
1-14	Order, filed, allowing R. Stainer to w/draw as atty for deft.(AEB-J)b cps mld
1-14	Order, filed, permitting w/drawal of Government's trial exhibits.(AEB-J)b
1-14	Mtn. for Cont. filed by deft. jj atty to bring in 0 1/17 3 11 77
1-17	Case called for jury trial. Deft. present & rep. Govt. rep. Govt. has no objection to Deft. motion for continuance. Ct. signs Order continuing jury trial until 1-26-77, 10:00 A.M.(AEB-J)b
1-17	Order, filed, continuing jury trial to 1-26-77, at 10:00 A.M.(AEB-J)b cps mld
1-17	Order, fld., granting WHCAT in re Deft. Johnson. (AEB-J)v

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Sheet 3, Page 5

DATE	Defts. Johnson, Shoemake, Wofford PROCEEDINGS
1977	
1-19	Petition for WHCAT re Deft. Johnson for 1-26-77 trial setting, fld. v (o) w/i.
1-19	Deft. Shoemake's mot. for WHCAT for Gary Wayne Wofford for trial preparation, filed.k cpy to Dene
1-19	Return on WHCAT, fld. Rec'd writ on 1-14-77 and returned the same date unexecuted as trial has been reset for 1-26-77. v
1-19	Return on Subpoenas to Testify, fld. showing: Don Bearden served in Tulsa. Jack E. Tucker served in Tulsa. Bobby Golden served in Tulsa. Jerry Cottingham served in Fort Smith, Ark. Linda Hall unserved on 1-19-77. Billy Wilson unserved on 1-19-77. Billy Wilson served in Tulsa. Linda Hall served in Tulsa. Don Spurgin unserved. (TOTAL FEES: \$12.40)v
1-19	Order, filed, granting WHCAT for Gary Wayne Wofford. (AEB-J)k
1-19	WHCAT issued.k
1-19	Order, filed, granting WHCAT for William Lester Johnson. (AEB-J)s
1-19	WHCAT issued.s
1-26	Deft's requested voir dire, filed. b
1-27	Case tried to jury on 1-26-77 & 1-27-77 as to Deft. Shoemake. Deft. Shoemake present & rep. by Phil Frazier. Govt. rep. Jury selected & sworn. Parties make opening statements. Rule invoked...Stipulation of parties re: Jack E. Tucker test. Pltf. presents case in chief w/testimony of sworn witnesses/ Pltf. rests & Deft's motion for Dismissal denied. Deft. presents case in chief; witness sworn & testifies. Deft. rests. Pltf. presents rebuttal evidence w/test. of sworn witness. Parties rest. Ct. recessed at 4:40 P.M., to reconvene on 1-27-77, at 10:00 A.M. On 1-27-77, 10:15 A.M., closing arguments made. Court instructs jury. Bailiff sworn. Deft's renewed motion for dismissal denied. Jury retires to deliberate at 11:05 A.M. (12:15 P.M.) Jury returns w/verdict finding Deft. GUILTY to Ct. 1 & NOT GUILTY to Ct. 2. Ct. orders verdict spread of record by Clk. Jury polled & discharged. Deft. advised of right to appeal & advises Ct. of intent to appeal. Sentencing set for 2-14-77, at 10:00 A.M. Deft. remanded to USM.(AEB-J)b
1-27	Verdict, filed, finding Deft. GUILTY to Ct. 1 & NOT GUILTY to Ct. 2.b
1-27	Pltf's trial exhibits 1,2, & 3 filed.b in vault
1-28	Subs., ret. & filed: served Harry Liles, Jerry Cottingham, Bon Bearden, Doyle James, Jack E. Tucker; unserved as to Don Spurgin. Unserved as to Harry Liles & Doyle James for appearance on 1-17-77. g
1-27	Judgment, filed & entered, finding Deft. Not Guilty to Ct. 2.(AEB-J)b cps to U.S. Atty. & deft. co.
2-4	WHCAT, ret. & filed: deft. Wofford transported from OSP, McAlester to Tulsa County Jail, Tulsa, Ok. on 1-21-77; and on 1-28-77, returned him to OSP, McAlester. g
2-4	WHCAT, ret. & filed: deft. Johnson transported from FCI, Seagoville, Tx. to Tulsa County Jail on 1-25-77; deft. Johnson not returned to FCI, Seagoville as he was released from Marshal's custody on Mandatory Release from Bureau of Prisons. g
2-14	Case called for sentencing. Deft. present & rep. Govt. rep. Deft. & co. asked if they have anything to say before sentence is pronounced: Judgment & Sentence - Joe Byron Shoemake Ct. 1 - Atty. Gen. - Five (5) years. Deft. advised of right to appeal. Deft. remanded to USM.(AEB-J)b
2-14	Judgment & Commitment, filed & entered.(AEB-J)b
2-14	Two c/c of J&C to USM. b
2-22	Notice of appeal by def. Shoemake from J&C of 2/14/77, filed.rm copy to USCA

DATE	PROCEEDINGS
2-24-77	J&C as to deft. Shoemake, ret. & filed: deft. delivered to USP, Leavenworth, Ks. on 2-17-77. g
3-17	Designation of record on appeal, filed. rm
3-28	Reporters transcript of proceedings had on January 26 and 27, 1977 <u>JURY TRIAL</u> . (GRD-CSR) fld. ho
	(Shoemake)
3-29	Original appeal record/(2 vols., orig. & 3 copies) transmitted to USCA. rm
4-4	Letter from 10th Circuit that appeal docketed and given No. 77-1235. rm
	as to Shoemake
8-1-77	Mandate of USCA, /filed and spread of record, dismissing appeal on appellant's motion to dismiss. rm
	Shoemake
8-1-77	Motion of deft./for correction or reduction of sentence (Rule 35), filed. rm copy to Dene
8-4-77	Appeal record (2 vols.) recd from USCA. g (Joe Shoemake)
8-18-77	Order, fld./It is ordered that the Judgment and sentence ent. herin against Joe Byron Shoemake on 2-14-77 is modified to the following: the Deft. Joe Byron Shoemake is committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of three(3) years. Said sentence to run consecutively to the sentence imposed upon the Deft. in the State of OK Case No. CRF-74-187. (AEB-J) cps mld. ho ^{2 cert. cps. to USM}
8-24-77	Ret. of USM service of Order of 8-18-77 fld., executed by mailing a cpy. to the record section of the U.S. Penitentiary, Leavenworth, Kansas on 8-18-77. ho
1983	
1-31	EXHIBITS returned to pltf counsel. hm
1991	
5-14	APPL. deft for Order Nunc Pro Tunc. rm
5-20	ORDER entered that deft Wofford's applic/nunc pro tunc is DENIED. (HDC-J) c/m pw
9-12	RET. on J&C, re deft Wofford. rm
1992	
2-4-92	APPLICATION TO PROCEED IN IFP.(O TO J)KB
2-4-92	MOTION TO VACATE SENTENCE (2255)KB
2-4-92	MO TRANS. CASE 92-C-99-E TO J COOK.KB
2-4-92	MOTION TO APPOINT COUNSEL.KB
2-25	MEMO in spprt of mo/vacate of deft., pw c/J
3-13	ORDER entered that IFP Granted, mo/2255 & mo/appt of cns1 DENIED. (HDC-J) c/m pw EOD 3-16
3-23	NOTICE of deft of appeal from ord of 3/13, proc & mld on 3/24.a
3-23	MOTION of deft for appt of cns1.a (already denied by Dist Ct, submitted to 10th)
3-23	MOTION of deft to furnish transcript.a
3-23	ENTRY OF APPEARANCE of Oliver Arbogast as atty for Wofford. rm
3-23	MOTION of deft to reopen. rm (O)
3-23	MO: Ordered that deft. mo/reopen is DENIED (HDC-J) rm c/USA/deflt counsel

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

U. S. vs

GARY WAYNE WOFFORD

74-CR-128-C

AO 256A ⊕

Yr. | Docket No. | Def.

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
	(Document No.)	(a)	(b)	(c)	(d)
<u>1992</u>					
4-3	LETTER from 10th, assigning <u>92-5073</u> for ntc/app.a RCD DUE ASAP.				
5-19	TRANSMITTED vol I of the ROA to 10th & cpy cvr ltr & dkt sht to ptys.a				
7-16	ORDER that appeal is dismiss for lack of prosecution , cpy to HDC.a				

Interval
(per Section II)

Start Date
End Date

Ltr. Total
Code Days

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